

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------------|---|------------------|
| KING DRUG COMPANY OF FLORENCE, INC., | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| v. | : | No. 2:06-cv-1797 |
| | : | |
| CEPHALON, INC., <u>et al.</u> , | : | |
| Defendants. | : | |
| | : | |

ORDER

AND NOW, this 4th day of August, 2010, upon consideration of “Apotex’s Combined Motion and Memorandum for Summary Judgment of Non-Infringement of the ‘346 Patent,” (doc. no. 312), and the duplicate motion filed in docket number 2:06-cv-2768 at document number 299, it is hereby **ORDERED** that document number 312 is **DENIED** as moot.

IT IS FURTHER ORDERED that given this Court’s May 5, 2009, Order vacating the case management orders (doc. nos. 16 & 84) wherein docket number 2:06-cv-1797 was designated as the master docket for the related cases, counsel shall refrain from using:

| | |
|---|-----------------------|
| IN RE MODAFINIL ANTITRUST LITIGATION | CASE NO. 2:06-cv-1797 |
| THIS DOCUMENT RELATES TO: | |

and shall only use captions identifying the case(s) to which the document immediately relates. This will reduce unnecessary, duplicative docketing of documents.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

Mitchell S. Goldberg, J.